

Atty's Docket No.: Bayer 10,218

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner For Patents, Alexandria, VA,  
22313-1450, on ~~18 October 2003~~ *10 December 2003*

  
Theodore Gottlieb**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO.	09/719,320
APPLICANT	HINZ et al.
FILED	March 5, 2001
EXAMINER	V. Balasubramanian
ART UNIT	1624
FOR	USE OF SUBSTITUTED 4-BIARYLBUTYRIC AND 5-BIARYLPENTANOIC ACID DERIVATIVES FOR THE TREATMENT OF CEREBRAL DISEASES

MAIL STOP NON-FEE AMENDMENT  
Hon. Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA  
22313-1450

16 October 2003

Sir:

**DECLARATION UNDER RULE 1.132**

I, Volker Hinz, hereby declare as follows:

I am an inventor of the subject matter disclosed and claimed in the above-referenced application.

This declaration provides evidence that the instantly claimed compounds prevent cerebral damage in response to cranial trauma. The experiments were performed *in vivo* using a rat model.

Five minutes prior to inducing cranial injury in rats, the rats were treated with the compound described in Example 5 of the specification. The injury-induced edema results in increased intracranial pressure. This increased pressure may cause injury to the cerebral cortex.

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The data presented demonstrate that administering the compound prior to injury, resulted in a significant decrease of intracranial pressure (Fig. 1) as well as intracranial edema (Fig.2).

These results indicate that administering the compound *in vivo* to rats that are free from cerebral trauma or disease, prevents intracranial pressure from increasing to the extent observed in rats treated with the vehicle alone.

It is clear that persons of skill in the art may reasonably conclude that the claimed compounds may be effective for preventing cerebral disease/trauma in a normal brain *in vivo*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Eiberfeld,  
Date

12. Nov 03

  
Volker Hinz